

**REMARKS**

**Status of the Claims**

Claims 1, 2, 4-14 and 17-23 were pending in this application. By this response, claims 1, 4, 5, 6, 7, 8, 9, 11, 12 and 13 have been amended. The amendments to independent claims 1 and 13 are fully supported by the specification and do not add new matter. The amendments to the remaining claims are to correct claim terminology based upon the amendments to claim 1. Moreover, Applicant has cancelled claims 10, 14 and 22. No claims have been added.

Accordingly, claims 1, 2, 4-9, 11-13, 17-21 and 23 are now pending.

In the Office Action dated March 17, 2010, the following rejections were made:

Claims 1, 2, 5, 9-14, 18, 22 and 23 were rejected under 35 U.S.C. § 102(b) as being purportedly anticipated by Walker *et al.* (U.S. Patent No. 5,759,371) ("Walker"); and,

Claims 4, 6-8, 17 and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nobutoh *et al.* (U.S. Publication No. 2003/0177978 A1).

These rejections were maintained in the Advisory Action. Applicant traverses the above rejections, and respectfully request reconsideration of same in view of the following comments.

**Arguments**

As noted above, Applicant has amended independent claims 1 and 13. Applicant submits that these amendments merely clarify and more particularly point out that which the Applicant regards as its invention.

Specifically, claim 1 now includes claim elements directed towards using the maximum starting current to determine surface of the article. *See*, claims 1 and 13, *supra*.

Applicant submits that *Walker* does not disclose these claims elements. While *Walker* does disclose determining a maximum starting current, there is nothing that discloses or suggests to one of skill in the art to utilize this value in order to determine the type of surface that is being treated. Moreover, nowhere in the office action or advisory action is it pointed out where *Walker* either discloses or suggests these claim limitations.

Further, in the previous office action and advisory action it was generally stated that given the claims their broadest reasonable interpretation, *Walker* anticipates claims 1 and 13. Applicant submits that in their previous forms, the claims could not be reasonably read so broadly as to read on the device disclosed in *Walker*. However, Applicant has amended claims 1

and 13 to more particularly claim that which it regards as its invention—specifically with respect to the use of the maximum starting current. Accordingly, Applicant respectfully traverses that *Walker* anticipates (or renders obvious) the invention of independent claims 1 and 13 and respectfully requests reconsideration of the rejection.

Further, since claims 1 and 13 are patentable over the prior art, Applicant submits that the remaining claims are patentable as they depend from patentable independent claims.

### CONCLUSION

In view of the above, it is submitted that the present application is in condition for issuance and a notice of allowance is respectfully solicited.

If any additional fees are required with this correspondence, the Commissioner is authorized to debit our Deposit Account 50-0545.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

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Respectfully Submitted,

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